
МЕМЛЕКЕТ ЖӘНЕ ҚҰҚЫҚ ТЕОРИЯСЫ МЕН ТАРИХЫ ТЕОРИЯ И ИСТОРИЯ ГОСУДАРСТВА И ПРАВА THEORY AND HISTORY OF STATE AND LAW

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Propaganda of legal knowledge about Kazakhstan citizenship

In the article problematic issues surrounding the promotion of legal knowledge regarding Kazakhstan citizenship were considered, recognizing citizenship as a fundamental legal institution shaping modern Kazakhstan society's statehood. The research conducts a comprehensive analysis and synthesis of the theory and practice of disseminating legal knowledge about citizenship, aiming to identify solutions to normative consolidation challenges. Through a combination of general scientific and specialized legal methods, including analysis and theoretical generalization, as well as an examination of legal norms on citizenship, the study identifies the main trends in improving legal knowledge about citizenship. The main research outcome underscores the necessity to enhance legal measures aimed at expanding the use of forms and methods for disseminating legal knowledge about Kazakhstan citizenship. As a result, the article proposes supplementing citizenship legislation with norms mandating government bodies to provide information and advice on citizenship issues. It suggests widening public awareness about the importance of citizenship as a legal institution and supplementing political and legal acts with provisions to increase Kazakhstani society's awareness of citizenship.

Keywords: Kazakhstan, citizenship, propaganda, legal knowledge, legislation, human rights, legal education, legal culture.

Introduction

The research topic relevance is needed to increase the level of awareness in the citizenship sphere. Citizenship is a basic legal institution that determines an individual's rights and obligations. The legal citizenship relationship is considered a continuing or status legal relationship that is the basis of the individual legal status. Through the political and legal connection between a person and the state, the legal nature of this relationship is determined. A person may be associated with the state in the citizenship form, a stateless person, or a foreigner. These are the most common forms of communication between a person and the state. At the same time, citizenship is also a basic political and legal institution for the state. This is because the republican state form is formed through the expression of the citizen's wishes. Citizens through the direct and representative democratic institutions, form the state and the legal system. Accordingly, citizenship is a basic institution in the relationships between a person and the state system. Citizenship, as a basic institution, determines the political essence of the republic. Citizenship is a basic institution for both the republic and the individual. The rights, obligations and legitimate interests of an individual depend on his legal status, which is

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based on citizenship. This legal institution also has a basic character for society, since the state expresses the interests, first, society consisting of citizens.

Legal and philosophical issues have permeated human history, with inquiries into the essence and significance of citizenship dating back to ancient times. Many philosophers and rulers have pondered these questions over the centuries. In the Middle Ages, concepts of self-government and the rights of free citizens began to emerge, particularly in city-states. The bourgeois revolutions of later periods emphasized the ideals of freedom, property, and equality, challenging feudal dependence and promoting the notion of the free citizen. In modern times, researching issues related to the institution of citizenship remains crucial, driven by the necessity to refine and adapt this institution to contemporary social needs.

Citizenship, viewed as a legal state institution, reveals an inadequate level of understanding among individuals. Ignorance of the provisions outlined in the Law "On Citizenship" and related regulations often lead to legal transgressions. Hence, promoting legal knowledge about citizenship and elucidating its significance for every individual constitutes a vital aspect of state activities.

The research aims to pinpoint issues regarding public awareness of citizenship and enhance the promotion of legal knowledge about Kazakhstan citizenship. This objective is pursued by addressing the following tasks: identifying the necessity for legal knowledge in the citizenship domain, analyzing pertinent legal acts and regulations, and formulating proposals to enhance the promotion of Kazakhstan citizenship, consolidating this function within legal frameworks.

The research identifies gaps in modern legal theory, existing laws, and law enforcement practices. These discrepancies arise from conflicts within legal theory, disparities in legal norms across various levels, and the insufficient legal acumen of individuals engaging in citizenship-related legal relations. Addressing shortcomings in the promotion of legal knowledge about citizenship necessitates thorough investigation and the proposal of measures to enhance Kazakhstan legislation.

A review of the scientific literature indicates that numerous studies focus on promoting legal knowledge and cultivating legal culture. This expansive area of research encompasses topics such as human rights, legal education, and efforts to combat legal illiteracy. However, while citizenship issues are extensively studied worldwide, there is a notable lack of attention given to the specific problem of promoting legal knowledge in this realm. Typically, awareness of citizenship is integrated into discussions of legal culture and is not examined independently. Nonetheless, the demands of modern law enforcement practice necessitate a distinct focus on citizenship issues separate from broader legal concerns. Therefore, it is imperative to conduct separate research on citizenship problems within the context of legal culture.

Methodology and research methods

To ensure objectivity, comprehensiveness, and the comprehensive nature of research results, a combination of general scientific and specialized cognitive methods was employed. This approach allows for a systematic examination of the challenges related to enhancing the promotion of legal knowledge about Kazakhstan citizenship.

The research methodology is grounded in a scientifically rigorous approach to investigating the issue of improving legal propaganda. By utilizing both general scientific and specific scientific cognitive methods, the research delves into various aspects of the problem.

The sociological method is employed to consider social factors beyond the scope of law, providing insights into the broader societal context surrounding citizenship issues. The comparison method, used in conjunction with general scientific methods of analogy and generalization, aids in identifying both commonalities and differences in the promotion of legal knowledge about citizenship.

Moreover, the formal legal method is utilized to analyze legal norms and political and legal acts relevant to citizenship. Through analysis and generalization, shortcomings in the legal regulation concerning the promotion of legal knowledge about citizenship are identified.

Additionally, the method of legal hermeneutics is applied to develop new approaches aimed at refining legal norms governing the provision of information on citizenship and law enforcement practices in this domain. This methodological approach ensures a comprehensive exploration of the challenges and opportunities in promoting legal knowledge about Kazakhstan citizenship.

Results

The research revealed an insufficient legal knowledge level about citizenship. The consequence of this is a high level of offenses in the field of migration and citizenship. The operational and preventive event

“Migrant” results which were carried out in March 2024 are posted on the information media portal Polisia.kz. In just five days after the event, more than ten thousand offenses related to migration legislation were identified.

– 4,475 foreigners were brought to legal responsibility for violating the rules about staying in the country.

– For illegal work activities — 2118 foreigners.

– For illegal use of foreign labor — 613 employers.

– For failure to timely inform the migration police about foreigners living with them — 2,624 legal entities and individuals.

In addition, 9 cases of second citizenship were identified, and 113 residence permits in Kazakhstan were canceled. 850 court decisions were made on the expulsion from the country of persons who violated migration legislation. 121 foreigners were forcibly expelled and are now banned from entering the country for 5 years [1]. These offenses are largely due to insufficient legal citizens’ literacy, foreigners, and stateless persons. Knowledge and procedure understanding for realizing citizenship is an important factor in this legal relationship implementation. Citizenship is the basic political and legal institution that determines the rights and responsibilities of a person. The procedure for exercising citizenship and improving legislation on citizenship are pressing issues of modern legal science. These and other issues were disclosed in publications that were carried out within the framework of the funded pomegranate project No. AR 14870745 “Citizenship and the statelessness reduction in the Republic of Kazakhstan in the context of the integration processes development”. The theoretical and historical foundations of the citizenship institution as a law and state theory category were discussed [2; 30–37]. The constitutional citizenship consolidation and the role and significance of this institution for the modern state and society are considered. The development of the citizenship institution determines a higher level of implementation of generally recognized human rights and freedoms [3; 21–32]. The influence of international law on the citizenship institution in foreign countries is analyzed. International acts relating to citizenship and human rights were reviewed. Provisions were developed aimed at improving citizenship, as well as the role and significance international law of in the process of regulating the relationship between a person and the state [4; 7–16]. All publications reflect the need to improve the citizenship institution, as well as the importance of improving the legal culture in the field of citizenship.

During the analysis of Kazakhstan legislation, international law, and scientific research results, the following results were obtained.

– It is necessary to consolidate in political and legal acts the need to develop a legal culture in the field of migration policy and citizenship. It seems necessary to detail the provisions of the Concept of Legal Policy of the Republic of Kazakhstan until 2030. In our opinion, it is necessary to specify the direction of “Improving legal education” and the direction of “Improving legal propaganda”. It seems important to detail the provisions and reflect them in the Action Plan for the implementation of the Concept of Legal Policy of the Republic of Kazakhstan [5]. The development of legal education among all categories of citizens is an important component of the dynamic development of the country as a modern rule-of-law state. To improve the legal culture of citizens, foreigners, stateless persons, migration police officers, akimats, and other government bodies and public associations, a set of educational measures is necessary. These measures should be aimed at expanding knowledge about Kazakhstan citizenship and the procedure for its implementation.

– To intensify legal propaganda in the field of citizenship, it seems important to supplement Kazakhstan legislation with legal norms. These norms are designed to ensure that the population is aware of Kazakhstan citizenship. It is necessary to reflect in the norms of Kazakhstan law the obligation of authorized state bodies to inform citizens, foreigners, and stateless persons in the field of exercising citizenship. For this purpose, supplement the Law of the Republic of Kazakhstan's “On Citizenship” [6] with provisions that regulate the procedure for informing citizens. Migration police bodies, bodies of the Ministry of Foreign Affairs, and other government bodies within the limits of their powers must inform citizens. This aspect seems important since currently not enough attention has been paid to informing citizens by government agencies in the field of citizenship. It should be noted that insufficient attention has not been paid to the issues of informing citizens and other persons, including the legal regulation of the provision of information. In many by-laws, the issues of informing and consulting citizens on citizenship issues are not sufficiently detailed. This causes citizens to misunderstand legal norms in full and creates a need for assistance from professional lawyers. It should be noted that in matters of citizenship and migration law, there is also insufficiently complete regulation of all procedures carried out by internal affairs bodies and bodies of the Ministry of Foreign Affairs. In our opinion, it seems important to supplement the provisions of the Law “On Citizenship of the Republic of

Kazakhstan” [6] with the responsibilities of the migration police and bodies of the Ministry of Foreign Affairs on informing and consulting citizens and other persons. Obtaining information about citizenship, methods of obtaining it, loss, and other aspects of realizing the right to citizenship is an important condition for the realization of human rights.

– An important aspect of promoting legal knowledge about citizenship is teaching legal knowledge at school and university. When researching the concept and importance of citizenship, it is necessary to pay attention to the procedure for acquiring and terminating citizenship, and responsibility for second citizenship. Attention should be paid to other aspects of the implementation of the right to citizenship. It seems necessary to post information on the official website that explains legal and procedural aspects in an accessible form. In textbooks on Fundamentals of Law, it is necessary to make a link to these sites, which can be used in the educational process. When developing assignments for students, it is necessary to recommend using the official websites of government bodies. This is necessary so that the teacher uses up-to-date information, and students acquire the skills to use information from official government websites. This approach makes it possible to combine basic, fundamental provisions that should be enshrined in educational literature with up-to-date information that the teacher should receive on the official websites of government bodies.

– It is necessary to pay more attention to the reflection of current information on the official government bodies' websites. Currently, the official websites of the Ministry of Internal Affairs and the Ministry of Foreign Affairs are not sufficiently informative on citizenship issues. As a rule, the websites contain information about the main bodies and legal acts, including those related to citizenship. In our opinion, comments, and explanations on the implementation of legal norms in the field of citizenship should be posted on official websites in an easily accessible form. Also in an open form, addresses and answers questions from citizens and other persons on issues of citizenship and problems related to the implementation of rights in the field of citizenship. This approach could be extended to other aspects of the activities of government bodies that are socially significant. Especially in those types of social relations in which there are massive violations of the law, because, in our opinion, a large volume of offenses in the field of citizenship and migration are allowed due to a lack of awareness and low legal culture.

The presented results are new since the issues of promoting legal knowledge about Kazakhstan citizenship in domestic and foreign science have not been previously studied. This is because, as a rule, problems of improving legal culture in general are considered. At the same time, many areas of legal culture, about certain types of social relations, were not considered. The results of the research are aimed at improving the national legal system in terms of developing knowledge about citizenship.

Discussion

Dissemination problems regarding legal knowledge about citizenship are typically not addressed separately from the broader spectrum of studies concerning legal culture and citizenship. Numerous research endeavors are dedicated to citizenship, legal culture, and legal propaganda. Among these studies, it is essential to highlight specific scientific works that elucidate the challenges associated with promoting legal knowledge in contemporary society. The findings of research on legal culture are encapsulated in the monograph authored by Ibraeva A.S., where legal culture is construed as an evaluation of the “quality” of legal life in modern Kazakhstan society.

It is observed that the overall level of legal culture in modern society is notably low, with instances of violations of legal principles and norms by government bodies and officials. The author advocates for constructing the concept of legal culture on the principles of prioritizing public consent and trust between the state and society. Simultaneously, emphasis is placed on nurturing moral principles within the law and fostering elevated spirituality in individuals based on the acknowledgment of the primacy of natural law. Legal education and enlightenment are deemed crucial and warrant support and provision by the state [7; 4-5]. Absattarov G.R. notes that the main goal of legal education is to overcome legal nihilism among the population. He notes that many graduates have superficial knowledge and are unable to provide real assistance to those who contact them. This is due to a fairly large number of educational institutions that train lawyers. In addition, a significant drawback of legal propaganda is the one-sidedness of legal topics. Often, criminal cases are reflected in the media, while insufficient attention is given to labor, family, and civil legal relations. The activities of the courts, the prosecutor's office, the Ministry of Internal Affairs and other government bodies are not sufficiently covered. The author notes the need to improve the organization and system of informing the population about current legislation [8; 64–70]. Bondarev A.S. notes that legal propaganda is carried out through various channels of influence on legal awareness and legal behavior. There are many

meanings of the word “propaganda” and a huge number of contradictory interpretations. There is a debate in the scientific literature about both the content of this term and the time of its origin. Various approaches to understanding “propaganda” as a legal, political, philosophical, sociological, and cultural concept are considered. Legal training tools according to the level of their impact are divided into specialized and non-specialized (related). Specialized means include legal training in special educational institutions, and non-specialized means include all other methods and sources of obtaining legal information. The author analyzes various approaches to forms of legal education and legal propaganda and concludes that they contribute to the strengthening of law and order in the country [9; 4–7]. These and other scientific studies note the low level of legal culture and legal knowledge and substantiate the need to strengthen legal propaganda and legal education.

Issues of legal education and legal propaganda are discussed in the Concept of Legal Policy of the Republic of Kazakhstan until 2030. The Concept sets goals for continuing systematic work related to legal propaganda and legal education. State bodies and local self-government bodies must systematically implement legal coverage of modern politics. Use various forms of legal propaganda: dissemination of legal knowledge through the media; publication of free literature on legal education and legal issues; holding public information and educational events. The need to improve the ability of the population to use information systems of official bodies is noted. At the same time, no attention is paid to the issues of improving the citizenship institution as a political and legal institution [10]. Currently, various activities are being carried out to conduct legal education. For example, in October-November 2023, legal education was conducted in schools in the Karaganda region. Police Department employees held meetings with students in all educational institutions. During the meetings, current issues in the field of law and order and compliance with the rule of law were clarified. In total, more than 400 educational institutions were covered [11]. This positive aspect of right-wing propaganda is intended to emphasize the need for a systematic approach to legal education and information in the field of citizenship. The issues discussed above allow us to state that the issues of implementation of citizenship as a legal relationship are not given due attention. For example, in schools, the main textbook for grade 9 is the textbook “Fundamentals of Law”, published in 2019 [12]. In this textbook and in textbooks for grades 10 and 11, the institution of Kazakhstan citizenship and the features of its implementation are practically not disclosed, which is generally justified, since within the framework of school discipline it is impossible to consider the features of the implementation of this ongoing and complex legal relationship. Such a goal is not set. In a higher educational institution, within the framework of the academic discipline “Fundamentals of Law” or “Fundamentals of Law and Anti-Corruption Culture”, it is also impossible to devote more time to researching the citizenship institution. Thus, legal knowledge about citizenship, the procedure for its acquisition, termination, and implementation procedure is possible from the media, the Internet, as well as from other sources. At the same time, based on the provisions of the Concept of Legal Policy, the state assumes the obligation to inform the population about current legal norms in a free and accessible form. Also, state bodies are obliged to inform about new rules of law that will be introduced in the near future.

Summarizing the above, it should be noted that the current state of legal explanatory work on Kazakhstan citizenship, promotion of legal knowledge and awareness of the population about citizenship requires improvement. The factors that form the basis for developing a concept must be considered as the basis for reliable results. This is because the research of a large volume of monographic literature, scientific articles, legal and political acts, dissertation research, and information from the media allows the research results to be characterized as reliable.

From a conceptual point of view, the promotion of legal knowledge about citizenship should be carried out by the state, through special state bodies. These are the bodies of justice, the bodies of the Ministry of Internal Affairs, and the bodies of the Ministry of Foreign Affairs. The responsibility to inform citizens, foreigners, and stateless persons should be assigned to these bodies. This is since legislation in the field of citizenship and migration is currently changing quite dynamically, and law enforcement practice also plays a large role. Thus, there is a need to directly inform the population specialists carrying out their professional activities in this area. Information posted on the official website in a form accessible to the public should play a big role.

Conclusions

The primary outcome of this research underscores the imperative of promoting legal knowledge concerning Kazakhstan citizenship on a systemic scale. There is a compelling need to augment legal and politi-

cal-legal statutes with provisions delineating the organization of informing the nation's populace about the enduring political-legal relationship — citizenship. This relationship forms the basis upon which the rights and obligations of citizens, foreigners, and stateless individuals emerge, evolve, and are upheld.

Systematizing the results that were presented in the discussion, it can be determined that in order to improve the promotion of legal knowledge about citizenship, it is necessary to make the following proposals:

– Supplement the Action Plan for the implementation of the Concept of Legal Policy of the Republic of Kazakhstan until 2030 [5] with a provision on the need to develop a legal culture in the field of citizenship as a legal and socio-political institution. In section 4.3. “Improving legal education and legal propaganda” should be supplemented with paragraph 105 in the following wording: “Taking measures aimed at improving the promotion of legal knowledge about Kazakhstan citizenship among citizens of the republic, foreigners and stateless persons located on the territory of the Republic of Kazakhstan. Carrying out systematic information work aimed at explaining the legal norms on citizenship, as a basic legal institution, among pupils and students of all levels of education, as well as among other persons who are subjects of legal relations”.

– Supplement the Law of the Republic of Kazakhstan “On Citizenship” [6] with provisions on the need to inform citizens by the migration police. Article 30 “Powers of internal affairs bodies” should be supplemented with paragraph 6) in the following wording: “carry out information to citizens of the Republic of Kazakhstan, foreigners and stateless persons on issues of citizenship of the Republic of Kazakhstan”.

– Supplement the Law of the Republic of Kazakhstan “On Citizenship” [6] with provisions on the need to inform citizens abroad on citizenship issues. Article 31 “The powers of the Ministry of Foreign Affairs of the Republic of Kazakhstan, foreign institutions of the Republic of Kazakhstan” shall be supplemented with the provision “to inform and advise citizens of the Republic of Kazakhstan on issues of citizenship of the Republic of Kazakhstan”.

The practical significance of the proposed additions aims to enhance the organization of information provision on citizenship by government bodies. These proposals also hold scientific value as they can serve as foundational material for further research into issues regarding awareness of Kazakhstan citizenship.

The developed proposals can be integrated into the law-making process to solidify legal norms that facilitate the promotion of Kazakhstan citizenship as a fundamental legal institution within Kazakhstan law.

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Қазақстан азаматтығы туралы құқықтық білімді насихаттау

Мақалада Қазақстан азаматтығы туралы құқықтық білімді насихаттауды жетілдірудің проблемалық мәселелері зерделенген. Азаматтық қазіргі қазақстандық қоғамның мемлекеттілігін айқындайтын базалық құқықтық институт ретінде қарастырылады. Қоғамдық пікірді қалыптастыру мақсатында оларды тарату мен қоғамдық санаға енгізуден тұратын құқықтық білімді насихаттау ерекшеліктеріне зерттеу жүргізілді. Зерттеудің мақсаты — азаматтық туралы құқықтық білімді тарату теориясы мен практикасын кешенді талдау және синтездеу және нормативтік бекіту саласындағы мәселелерді шешу жолдарын әзірлеу. Зерттеу жалпы ғылыми және арнайы-құқықтық әдістер арқылы жүзеге асырылды, азаматтық туралы теориялық ережелер мен құқықтық нормаларды талдау және жалпылау қолданылады. Салыстырмалы-құқықтық әдіс негізінде қазіргі уақытта азаматтық туралы құқықтық білімді дамытудың және жетілдірудің негізгі тенденциялары анықталды. Зерттеудің негізгі нәтижесі Қазақстан азаматтығы туралы құқықтық білімді таратудың нысандары мен әдістерін пайдалануды кеңейтуге бағытталған құқықтық шараларды жетілдіру қажеттілігі туралы ереже. Зерттеу нәтижелері ретінде азаматтық туралы заңнаманы мемлекеттік органдардың азаматтық мәселелері бойынша ақпарат беру және мүдделі тұлғаларға кеңес беру қажеттілігі туралы құқықтық нормалармен толықтыру ұсынылады. Азаматтықтың құқықтық институт ретіндегі маңыздылығы туралы барлық азаматтарды кеңінен ақпараттандыру, саяси-құқықтық актілер қазақстандық қоғамның азаматтығы туралы хабардар болуын кеңейтуге бағытталған ережелермен толықтыру ұсынылған.

Кілт сөздер: Қазақстан, азаматтық, насихат, құқықтық білім, заңнама, адам құқықтары, құқықтық білім беру, құқықтық мәдениет.

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Пропаганда правовых знаний о казахстанском гражданстве

В статье рассмотрены проблемные вопросы совершенствования пропаганды правовых знаний о казахстанском гражданстве. Гражданство изучено в качестве базового правового института, который определяет государственность современного казахстанского общества. Проведено исследование особенностей пропаганды правовых знаний, заключающееся в их распространении и внедрении в общественное сознание, с целью формирования общественного мнения. Цель исследования — комплексный анализ и синтез теории и практики распространения правовых знаний о гражданстве и выработка путей решения проблем в сфере нормативного закрепления. Исследование осуществляется посредством общенаучных и специально-правовых методов, используются анализ и обобщение теоретических положений и правовых норм о гражданстве. На основе сравнительно-правового метода выявляются основные тенденции развития и совершенствования пропаганды правовых знаний о гражданстве в настоящее время. Основным результатом исследования является положение о необходимости совершенствования правовых мер, направленных на расширение использования форм и методов распространения правовых знаний о казахстанском гражданстве. В качестве результатов исследования предлагается дополнить законодательство о гражданстве правовыми нормами, о необходимости государственных органов предоставлять информацию и консультировать заинтересованных лиц по вопросам гражданства. Предложено более широко информировать всех граждан о важности гражданства как правового института, дополнить политико-правовые акты положениями, направленными на расширение информированности казахстанского общества о гражданстве.

Ключевые слова: Казахстан, гражданство, пропаганда, правовые знания, законодательство, права человека, правовое образование, правовая культура.

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